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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,681	02/20/2004	Yu Zheng	PTA-1324-CON	6993

7590 09/03/2004

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EXAMINER

YIP, WINNIE S

ART UNIT PAPER NUMBER

3637

DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/783,681

**Applicant(s)**

ZHENG, YU

**Examiner**

Winnie Yip

**Art Unit**

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 40-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 40-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/20/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This is a first office action for application Serial No. 10/783,681 which is a continuation of co-pending application Serial No. 09/536,738 filed March 28, 2000, now US Patent No. 6,694,994.

Claims 1-39 have been canceled, and claims 40-53 are pending in the application.

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 40-41, 43, 45-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Zheng (US Patent No. 5,975,101).

Zheng '101 shows and discloses a collapsible structure (300) (see Fig. 13) comprising four side panels (302, 304, 306 and 308, 310 and 312), an first add-on panel (412), and a second add-on panel (414) each including a foldable frame member (22) having a folded and unfolded orientations, a fabric material (i.e., 40) covering the frame member by a sleeve (44), each side panel having a vertical left side and a vertical right side being hingedly coupled to adjacent panels respectively, and a bottom side being capably rested on a support surface, and the first add-on panels (412) being hingedly coupled to an top side of a first of the side panels (310 and

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312), and the second add-on panel (414) also being hingedly coupled to the top side of the first side panel, the side and add-on panels being coupled together through the edge sleeves of two adjacent panels such that the add-on panels are considered to be coupled to the fabric material of the first side panel as claimed, and the frame members of the side and add-on panels are twisted and folded to form a plurality of concentric loops in the folded orientation since they are all made of flexible steel (see col. 3, line 31 and col. 4, line 10 and Fig. 11A-11F).

3. Claims 40, 42, 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Zheng (US Patent No. 5,301,705).

Zheng '705 shows and discloses a collapsible structure (30) comprising four side panels (50) each including a foldable frame member (34, 38, 42, 46) having a folded and unfolded orientations, a fabric material (82, 84) covering the frame member, each side panel having a left side and a right side being hingedly coupled to adjacent panels respectively, and a horizontal bottom side being capably rested on a support surface, and the first add-on panels (134) being hingedly coupled to the fabric material of a first of the side panels (38), and the second add-on panel (114) being hingedly coupled to the fabric material of a second of the side panel (46), wherein the first and second add-on panels each having a foldable frame member (122, 138) and covers by a fabric material (134), and the frame members of the side panels are twisted and folded to form a plurality of concentric loops in the folded orientation.

4. Claims 40-41, 45-48, and 52-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Chin (US Patent No. 5,592,961).

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Chin shows and discloses a collapsible structure (10) comprising at least four side panels (12) each including a foldable frame member (28) having a folded and unfolded orientations, a fabric material (30) covering the frame member, each side panel having a vertical left side and a vertical right side being hingedly coupled to adjacent panels respectively, and a bottom side being capably rested on a support surface, wherein a first of the side panels (the door panel 44) has a top side being lower in a vertical height than the top side of other side panels, and an add-on panel (the top panel 14) includes a foldable frame member being covered by a fabric material, said add-on panel (14) coupled to the fabric material of the side panels, and the side panels and the add-on panel are twisted and folded to form a plurality of concentric loops for reducing storage spacer.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 40-42, 45-49 and 52-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu et al. (US Patent No. Des. 429,307) in view of Wan (US Patent No. 5,411,046).

Wu et al. shows and discloses a collapsible structure comprising four side panels (A-C), an first add-on panel (F1), and a second add-on panel (F2) coupled on the first and second of the side panels respectively, each panel including a frame member covered by a fabric material, wherein the side panels have different sizes such that at least one of the first of the side panels

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such that a top side of the first panel is at lower vertical height than the top side of the second panel, each side panel has a vertical left side and a vertical right side being hingedly coupled to adjacent panels respectively, and a bottom side being capably rested on a support surface, and the first add-on panel (F1) is hingedly coupled to an top side of a first of the side panels (A), and the second add-on panel (F2) is hingedly coupled to the top side of the second side panel (C). Although Wu et al. do not specifically define the panels each having a foldable frame member having a folded and unfolded orientation to be twisted and folded to form a plurality of concentric loops as claimed, Wan teaches a collapsible structure having at least four panels (30) each formed to have a foldable frame (40) being a folded and unfolded orientation and covered by a fabric material (30) through a sleeve (41) such that the side panels are capable to be twisted into a plurality of concentric loops in the unfolded position. Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to provide the panels of Wu et al. having foldable frame members being covered by fabric material as taught by Wu et al. for providing the collapsible structure having panels being twisted to form a plurality of concentric loops in unfolded position.

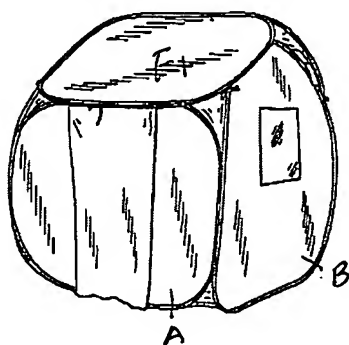


FIG. 1

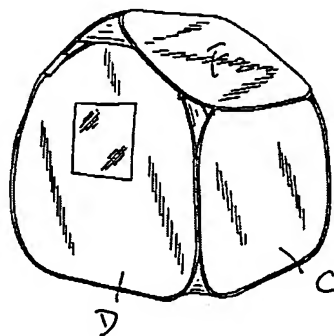


FIG. 2

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7. Claims 42 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zheng '101 as applied to claims 40 and 43 above.

The claims are considered to meet by Zheng as explained and applied set forth above rejections except the Zheng does not define the collapsible structure having a second or/and a third add-on panel coupled to the second of the side panels. It would have been an obvious matter of design choice to a person of ordinary skill in the art at the time the invention was made to couple other add-on panels to a desirable side panel of the collapsible structure of Zheng because Applicant has not disclosed that adding additional panel to a desirable side panel provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with second or third or more add-on panels coupled to the second or other side panels as desired for covering additional areas to accommodate various desirable applications.

8. Claims 43-44 and 50-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu et al. '307 in view of Wan '046 as applied to claims 40, 47 above.

The claims are considered to meet by Wu et al. in view of Wan as explained and applied set forth above rejections except either Wu et al. or Wan do not define the collapsible structure having a second or/and a third add-on panel also coupled to the first of the side panels. It would have been an obvious matter of design choice to a person of ordinary skill in the art at the time the invention was made to couple other add-on panels to a desirable side panel of the collapsible structure of Wu et al. combined with Wan because Applicant has not disclosed that adding additional panel to a desirable side panel provides an advantage, is used for a particular purpose,

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or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with second or third or more add-on panels coupled to one side panel as desired for covering additional areas to accommodate various desirable applications.

***Inquiry Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 703-308-2491. The examiner can normally be reached on M-F (9:30-6:30), Second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Winnie Yip  
Primary Examiner  
Art Unit 3637

wsy

August 27, 2004